



# COUNTY OF LOS ANGELES

## DEPARTMENT OF PUBLIC WORKS

*"To Enrich Lives Through Effective and Caring Service"*

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DONALD L. WOLFE, Director

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IN REPLY PLEASE

REFER TO FILE: PD-6

March 20, 2007

The Honorable Board of Supervisors  
County of Los Angeles  
383 Kenneth Hahn Hall of Administration  
500 West Temple Street  
Los Angeles, CA 90012

Dear Supervisors:

**REQUEST FOR JURISDICTION  
GAREY AVENUE BRIDGE OVER  
SOUTHERN PACIFIC TRANSPORTATION COMPANY RAILROAD  
GAREY AVENUE BRIDGE OVER UNION PACIFIC RAILROAD  
CITY OF POMONA  
SUPERVISORIAL DISTRICT 1  
4 VOTES**

### **IT IS RECOMMENDED THAT YOUR BOARD:**

1. Find that these projects are exempt from the provisions of the California Environmental Quality Act (CEQA).
2. Adopt the enclosed Resolution declaring Garey Avenue Bridge over the Southern Pacific Transportation Company (SPTC) Railroad and Garey Avenue Bridge over Union Pacific Railroad (UPRR), in the City of Pomona to be a part of the County System of Highways.

### **PURPOSE/JUSTIFICATION OF RECOMMENDED ACTION**

The City of Pomona and the County propose to retrofit Garey Avenue Bridge over SPTC Railroad and Garey Avenue Bridge over UPRR, which are entirely within the City of Pomona. The County, which is the lead project administrator requires jurisdiction from the City of Pomona in order to retrofit these bridges.

Sections 1700-1702 of the California Streets and Highways Code provide that the Board of Supervisors of any county may, by a resolution adopted by a four-fifths vote of its members, declare any highway in the county lying in whole or in part within a city to be a county highway for certain purposes, including improvement. The governing body of the affected city may consent to the relative portion of the highway within its jurisdiction being included as a part of the county highway system. Thereafter, the Board of Supervisors of the county may acquire right of way, construct, maintain, improve, or repair such highway in the same manner as other county highways.

### **Implementation of Strategic Plan Goals**

This action meets the County Strategic Plan Goal of Service Excellence. By improving the safety of the Garey Avenue Bridge over SPTC Railroad and the Garey Avenue Bridge over UPRR, residents of the City of Pomona, nearby cities, and the unincorporated County areas who travel on Garey Avenue will benefit, and their quality of life will be improved.

### **FISCAL IMPACT/FINANCING**

Your Board's adoption of the enclosed Resolution will not directly result in any fiscal impact on the County. We will submit the project to your Board for approval to advertise a construction contract for the seismic retrofit improvements at a later date. This project will be constructed as a Federal-aid project under the State Seismic Retrofit Program administered by the State of California. Under this Program, the entire cost of the project will be financed with Federal and State funds.

### **FACTS AND PROVISIONS/LEGAL REQUIREMENTS**

The enclosed Resolution provides for the County to perform the preliminary engineering and administer the construction of the projects under the Federal Highway Bridge Program.

The enclosed Resolutions have been reviewed and approved as to form by County Counsel.

### **ENVIRONMENTAL DOCUMENTATION**

The CEQA requires public agency decision makers to document and consider the environmental implications of their actions. The proposed project is statutorily exempt from the provisions of CEQA pursuant to Public Resources Code Section 21080.16.

The Honorable Board of Supervisors  
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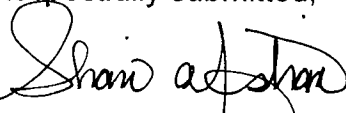
**IMPACT ON CURRENT SERVICES (OR PROJECTS)**

Following the Loma Prieta earthquake in the San Francisco Bay area in October 1989, emergency State legislation known as Senate Bill 36X was enacted, which requires that all existing publicly-owned bridges in the State be inspected and that those found to have a seismic structural deficiency be upgraded and retrofitted to conform with specific structural standards. The Bill further provides for the County of Los Angeles to be the lead agency for inspecting and retrofitting all non-State highway bridges within Los Angeles County. The proposed improvements are needed and of general County interest. The project is tentatively scheduled to be advertised for construction bids in fall 2007, pending the City's consent to jurisdiction and the County obtaining the necessary Federal and State approvals. Each jurisdiction will be relinquished after completion of the corresponding project.

**CONCLUSION**

Upon adoption of the enclosed Resolution by your Board, please return one adopted copy of this letter together with two certified copies of the Resolution to us for further processing.

Respectfully submitted,

  
FOR: DONALD L. WOLFE  
Director of Public Works

RY:sc

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Enc.

cc: Chief Administrative Office  
County Counsel

**RESOLUTION DECLARING GAREY AVENUE BRIDGE OVER  
SOUTHERN PACIFIC TRANSPORTATION COMPANY RAILROAD AND GAREY  
AVENUE BRIDGE OVER UNION PACIFIC RAILROAD  
IN THE CITY OF POMONA TO BE A PART OF COUNTY SYSTEM OF HIGHWAYS**

WHEREAS, by reason of its location and travel thereon, the bridge portion of Garey Avenue over Southern Pacific Transportation Railroad (SPTC) and the bridge portion of Garey Avenue over Union Pacific Railroad (UPRR), which are entirely within the City of Pomona, County of Los Angeles, State of California, should be a part of the County System of Highways, for the limited purpose of retrofitting the bridge portion of Garey Avenue over SPTC Railroad and the bridge portion of Garey Avenue over UPRR; and

WHEREAS, it is the purpose of the Board of Supervisors of said County to cause construction of the above-stated improvements and perform appurtenant work thereon provided the consent of the governing bodies of the City of Pomona shall first be given by means of adopting the attached Resolution of the City Council of the City of Pomona, California Consenting to the Establishment of the portion of Garey Avenue over SPTC Railroad and the portion of Garey Avenue over UPRR within said City, as part of the System of Highways of the County of Los Angeles;

NOW, THEREFORE, BE IT RESOLVED, by the Board of Supervisors of the County of Los Angeles, State of California, that the bridge portion of Garey Avenue over the SPTC Railroad and the bridge portion of Garey Avenue over UPRR which are entirely within the City of Pomona, are hereby declared to be a part of the System of Highways of said County as provided in Sections 1700 and 1702 inclusive of the Streets and Highways Code of the State of California for the purpose of, and limited to, the aforementioned work.

BE IT FURTHER RESOLVED, by the Board of Supervisors of the County of Los Angeles, State of California, that the County agrees:

- a) That the County of Los Angeles shall not be responsible for any damage or liability occurring by reason of any roadway condition on the aforementioned streets, within the City of Pomona, existing prior to the start of retrofit construction by the County or following the completion and field acceptance of said construction.
- b) That the work to be performed by the County shall not include roadway maintenance activities on Garey Avenue Bridge over SPTC Railroad and on Garey Avenue Bridge over UPRR within the City of Pomona, prior to the start of retrofit construction by the County or following the completion and field acceptance of said construction.

The foregoing Resolution was adopted on the \_\_\_\_\_ day of \_\_\_\_\_, 2007, by the Board of Supervisors of the County of Los Angeles and ex-officio of the governing body of all other special assessments and taxing districts, agencies, and authorities for which said Board so acts.

SACHI A. HAMAI  
Executive Officer of the  
Board of Supervisors of the  
County of Los Angeles

By \_\_\_\_\_  
Deputy

APPROVED AS TO FORM:

RAYMOND G. FORTNER, JR.  
County Counsel

By  Deputy

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF POMONA,  
CALIFORNIA CONSENTING TO THE ESTABLISHMENT OF THE PORTION OF  
GAREY AVENUE OVER SOUTHERN PACIFIC TRANSPORTATION COMPANY  
RAILROAD AND THE PORTION OF GAREY AVENUE OVER  
UNION PACIFIC RAILROAD, WITHIN SAID CITY, AS PART OF THE  
SYSTEM OF HIGHWAYS OF THE COUNTY OF LOS ANGELES**

WHEREAS, the County of Los Angeles Board of Supervisors on \_\_\_\_\_, 2007 duly adopted a Resolution declaring bridges (Bridges) located within the portion of Garey Avenue over Southern Pacific Transportation Company (SPTC) Railroad in the City of Pomona and the bridge portion of Garey Avenue over Union Pacific Railroad (UPRR) in the City of Pomona to be a part of the County System of Highways for the purpose of performing a seismic safety retrofit of the bridges at the aforementioned locations, as provided in Sections 1700-1702 inclusive of the Streets and Highways Code of the State of California; and

WHEREAS, said Board of Supervisors by said Resolution requested this Council to give its consent to allow the County to perform seismic safety retrofit of the Bridges (the Retrofit Work), within the City of Pomona; and

WHEREAS, it is the intent of the County of Los Angeles Board of Supervisors to perform the Retrofit Work, provided the consent of the governing body of the City shall first be given under the terms herein.

NOW, THEREFORE, the City Council of the City of Pomona does resolve as follows:

SECTION 1. Consent to Inclusion in County Highway System – This City Council does hereby consent to include the Bridges as part of the System of Highways of the County of Los Angeles as provided in Sections 1700 to 1704 inclusive of the Streets and Highways Code of the State of California, for the limited purpose of performing a seismic safety retrofit of the Bridges at this location.

SECTION 2. Indemnification – That the City of Pomona shall fully indemnify, defend, and hold the County of Los Angeles harmless in connection with any and all claims, liability, injury (as defined by Government Code Section 810.8) or damage relating to the Bridges that is not caused directly by County's Retrofit Work.

SECTION 3. Roadway Maintenance – The City of Pomona will remain the owner of the Bridges and remain responsible for all roadway maintenance activities on the portion of Garey Avenue over SPTC Railroad and Garey Avenue over UPRR prior to the start of construction by the County or following the completion and field acceptance of said construction. Following completion of construction and County's field acceptance of the Retrofit Work, the City of Pomona accepts ownership and full responsibility for all roadway maintenance, including relating to the Retrofit Work.

SECTION 4. Environmental Documentation – The City Council does hereby consent to adopt and concurs with the environmental findings pursuant to the California Environmental Quality Act that have been adopted by the County in connection with the Retrofit Work.

SECTION 5. Warranty for Retrofit Work – The County hereby assigns all of its right, title, and interest to the unexpired portion of a one-year warranty granted to the County by the construction contractor performing the Retrofit Work following completion of construction of the Retrofit Work and field acceptance of said construction by County. The City agrees to accept said assignment as its sole remedy against the County in connection with defects relating to said Retrofit Work.